

**EIGHTY-FOURTH GENERAL ASSEMBLY  
2011 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

FEBRUARY 17, 2011

**HOUSE FILE 182**

**H-1085**

1 Amend House File 182 as follows:

2 1. Page 1, by striking lines 6 through 13 and  
3 inserting:

4 <Sec. \_\_\_\_\_. Section 901.3, Code 2011, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 8. Whether the defendant has a  
7 history of mental health or substance abuse problems.

8 If so, the investigator shall inquire into the  
9 treatment options available in both the community of  
10 the defendant and the correctional system.

11 Sec. \_\_\_\_\_. Section 901.3, subsection 7, unnumbered  
12 paragraph 2, Code 2011, is amended to read as follows:

13 All local and state mental and correctional  
14 institutions, courts, and police agencies shall furnish  
15 to the investigator on request the defendant's criminal  
16 record and other relevant information. The originating  
17 source of specific mental health or substance abuse  
18 information including the histories, treatment, and use  
19 of medications shall not be released to the presentence  
20 investigator unless the defendant authorizes the  
21 release of such information. If the defendant  
22 refuses to release the information, the presentence  
23 investigator may note the defendant's refusal to  
24 release mental health or substance abuse information  
25 in the presentence investigation report and rely upon  
26 other mental health or substance abuse information  
27 available to the presentence investigator. With  
28 the approval of the court, a physical examination or  
29 psychiatric evaluation of the defendant may be ordered,  
30 or the defendant may be committed to an inpatient or  
31 outpatient psychiatric facility for an evaluation of  
32 the defendant's personality and mental health. The  
33 results of any such examination or evaluation shall be  
34 included in the report of the investigator.>

35 2. By renumbering as necessary.

**By** HAGENOW of Polk

**H-1085** FILED FEBRUARY 16, 2011

**HOUSE FILE 194**

**H-1088**

1 Amend the amendment, H-1084, to House File 194 as  
2 follows:

3 1. Page 1, after line 45 by inserting:

4 < (2A) The enhanced cumulative income surtax imposed  
5 pursuant to this paragraph "b" shall not apply for  
6 purposes of calculating the cumulative limitation  
7 described in paragraph "a".>

**By** HELLAND of Polk

**H-1088** FILED FEBRUARY 16, 2011

HOUSE FILE 195

H-1089

1 Amend House File 195 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 598.41D, Code 2011, is amended  
5 to read as follows:

6 598.41D Assignment of visitation or physical care  
7 parenting time ---- parent serving active duty ---- family  
8 member.

9 1. Notwithstanding any provision to the contrary, a  
10 parent who has been granted court-ordered visitation  
11 with the parent's minor child may file an application  
12 for modification of a decree or a petition for  
13 modification of an order regarding child visitation,  
14 prior to or during the time the parent is serving  
15 active duty in the military service of the United  
16 States, to temporarily assign that parent's visitation  
17 ~~rights~~ to a family member of the minor child, as  
18 specified by the parent. The application or petition  
19 shall be accompanied by an affidavit from the family  
20 member indicating the family member's knowledge of the  
21 application or petition and willingness to exercise the  
22 parent's visitation ~~rights~~ during the parent's absence.  
23 The application or petition shall also request any  
24 change in the visitation schedule necessitated by the  
25 assignment.

26 2. Notwithstanding any provision to the contrary,  
27 a parent who has been granted court-ordered physical  
28 care or joint physical care of the parent's minor child  
29 may file an application for modification of a decree  
30 or a petition for modification of an order regarding  
31 child custody, prior to or during the time the parent  
32 is serving active duty in the military service of the  
33 United States, to temporarily assign the parent's  
34 physical care parenting time to a family member of  
35 the minor child, as specified by the parent. The  
36 application or petition shall be accompanied by an  
37 affidavit from the family member indicating the family  
38 member's knowledge of the application or petition  
39 and willingness to exercise the parent's physical  
40 care parenting time during the parent's absence.  
41 The application or petition shall also request any  
42 change in the physical care parenting time schedule  
43 necessitated by the assignment.

44 ~~2.~~ 3. a. If the active duty of a parent affects  
45 the parent's ability or anticipated ability to appear  
46 at a regularly scheduled hearing, the court shall  
47 provide for an expedited hearing in matters instituted  
48 under this section.

49      b.   If the active duty or anticipated active duty of  
50 a parent prevents the parent from appearing in person

**H-1089**

-1-

1 at a hearing, the court shall provide, upon reasonable  
2 advance notice, for the parent to present testimony  
3 and evidence by electronic means in matters instituted  
4 under this section. For the purposes of this  
5 paragraph, "electronic means" includes communication by  
6 telephone, video teleconference, or the internet.

7 ~~3.~~ 4. a. The court may grant the parent's request  
8 for temporary assignment of visitation or physical  
9 care parenting time and any change in the visitation  
10 or physical care parenting time schedule requested if  
11 the court finds that such assignment of visitation or  
12 physical care parenting time is in the best interest  
13 of the child.

14 b. In determining the best interest of the child,  
15 the court shall ensure all of the following:

16 (1) That the specified family member is not a sex  
17 offender as defined in section 692A.101.

18 (2) That the specified family member does not have  
19 a history of domestic abuse, as defined in section  
20 236.2. In determining whether a history of domestic  
21 abuse exists, the court's consideration shall include  
22 but is not limited to commencement of an action  
23 pursuant to section 236.3, the issuance of a protective  
24 order against the individual or the issuance of a  
25 court order or consent agreement pursuant to section  
26 236.5, the issuance of an emergency order pursuant to  
27 section 236.6, the holding of an individual in contempt  
28 pursuant to section 664A.7, the response of a peace  
29 officer to the scene of alleged domestic abuse or the  
30 arrest of an individual following response to a report  
31 of alleged domestic abuse, or a conviction for domestic  
32 abuse assault pursuant to section 708.2A.

33 (3) That the specified family member does not have  
34 a record of founded child or dependent adult abuse.

35 (4) That the specified family member has an  
36 established relationship with the child and assigning  
37 visitation or physical care parenting time to the  
38 specified family member will provide the child the  
39 opportunity to maintain an ongoing family relationship  
40 that is important to the child.

41 (5) That the specified family member ~~is able~~  
42 demonstrates an ability to personally and financially  
43 support the child and will support the child's  
44 relationship with both of the child's parents during  
45 the assigned visitation or physical care parenting  
46 time.

47 ~~4.~~ 5. An order granting assignment of visitation  
48 ~~rights~~ or physical care parenting time under this  
49 section does not create separate rights to visitation

50 or physical care parenting time for a person other than  
**H-1089** -2-

1 the parent. An order granting assignment of visitation  
2 or physical care parenting time under this section  
3 does not grant any custodial or parental rights to any  
4 person who is not the parent of the child.

5 6. An order granted under this section may  
6 temporarily assign visitation or physical care  
7 parenting time that is equal to or less than the  
8 visitation or physical care parenting time awarded to  
9 the parent whose visitation or physical care parenting  
10 time is assigned.

11 ~~5.~~ 7. The parent whose visitation ~~rights are~~ or  
12 physical care parenting time is temporarily assigned  
13 shall provide a copy of the order granting assignment  
14 of visitation or physical care parenting time to the  
15 school and school district of the child to whom the  
16 order applies.

17 ~~6.~~ 8. An order granting temporary assignment  
18 of visitation ~~rights~~ or physical care parenting  
19 time pursuant to this section shall terminate  
20 upon notification of the court by the parent or  
21 automatically upon the parent's completion of active  
22 duty, whichever occurs first.

23 ~~7.~~ 9. After a parent completes active duty, if an  
24 application for modification of a decree or a petition  
25 for modification of an order is filed, the parent's  
26 absence due to active duty or the assignment of  
27 visitation ~~rights~~ or physical care parenting time does  
28 not constitute a substantial change in circumstances,  
29 and the court shall not consider a parent's absence due  
30 to that active duty or the assignment of visitation  
31 ~~rights~~ or physical care parenting time in making a  
32 determination regarding the best interest of the child  
33 relative to such an application or petition filed after  
34 a parent completes active duty.

35 ~~8.~~ 10. As used in this section, "active duty"  
36 means active military duty pursuant to orders issued  
37 under Tit. X of the United States Code. However, this  
38 section shall not apply to active guard and reserve  
39 duty or similar full-time military duty performed by  
40 a parent when the child remains in actual custody of  
41 the parent.

42 11. As used in this section, "parenting time" means  
43 actual time spent with the child as specified in a  
44 decree or order, but does not include any other element  
45 of legal custody, physical care, or joint physical  
46 care.

47 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being  
48 deemed of immediate importance, takes effect upon  
49 enactment.>

50 2. Title page, line 1, by striking <joint>.

By J. TAYLOR of Woodbury

**H-1089** FILED FEBRUARY 16, 2011

HOUSE FILE 222

H-1086

1 Amend House File 222 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 68A.405, subsection 1,  
4 paragraphs a and b, Code 2011, are amended to read as  
5 follows:

6 a. For purposes of this subsection:

7 (1) "Individual" includes a candidate for public  
8 office who has not filed a statement of organization  
9 under section 68A.201.

10 (2) "Organization" includes an organization  
11 established to advocate the passage or defeat of a  
12 ballot issue but that has not filed a statement of  
13 organization under section 68A.201.

14 (3) "Published material" means any newspaper,  
15 magazine, shopper, outdoor advertising facility,  
16 poster, direct mailing, brochure, internet website,  
17 campaign sign, or any other form of printed general  
18 public political advertising. "Published material"  
19 includes television, radio, video, or motion picture  
20 advertising.

21 b. (1) Except as set out in subsection 2,  
22 published material, or automated telephone calls  
23 designed to expressly advocate the nomination,  
24 election, or defeat of a candidate for public office or  
25 the passage or defeat of a ballot issue shall include  
26 on the published material an attribution statement  
27 disclosing who is responsible for the published  
28 material.

29 (2) Automated telephone calls made by a person or  
30 organization for the purpose of gathering information  
31 to inform or influence an election for a public office  
32 shall include a disclaimer clearly identifying the name  
33 of the caller, the name of the person or organization  
34 funding the communication, and the name and telephone  
35 number of an authorized person responsible for the  
36 communication.

37 ~~-(2)~~ (3) The person who is responsible for the  
38 published material has the sole responsibility and  
39 liability for the attribution statement required by  
40 this section.>

41 2. Title page, line 1, after <to> by inserting:  
42 <require attribution statements for certain campaign  
43 communications, and to>

44 3. By renumbering as necessary.

By ISENHART of Dubuque

H-1086 FILED FEBRUARY 16, 2011



## HOUSE FILE 222

H-1087

1 Amend House File 222 as follows:

2 1. Page 1, before line 1 by inserting:

3 Section 1. NEW SECTION. 68A.407 Communications  
4 provided to the board.

5 1. Any communication used in an automated telephone  
6 call, which is made to influence an election for a  
7 public office, and paid for as a direct, in-kind or  
8 independent expenditure by a person, candidate, or  
9 political committee, shall be filed with the board  
10 in both electronic and script formats, according to  
11 specifications established by the board.

12 2. The communication shall be filed within  
13 twenty-four hours of when the communication was first  
14 made or within six hours of when the communication  
15 was first made if so communicated within five days  
16 of the election. The filing shall include the total  
17 expenditures associated with the communication.

18 3. An automated telephone call made to influence an  
19 election for public office, and paid for as a direct,  
20 in-kind or independent expenditure by a person or by  
21 a candidate or political committee, shall not be made  
22 if it has not been filed with the board as required by  
23 this section.

24 4. Any communication filed with the board which  
25 directly or indirectly refers to a vote, position,  
26 or view taken by a candidate for public office, or  
27 portrays the view of a candidate for public office,  
28 shall include documentation of that vote, position,  
29 or view in a form required by the board. The  
30 documentation shall include but not necessarily be  
31 limited to the date, place, and manner by which the  
32 candidate cast such a vote, took such a position or  
33 expressed such a view, and shall reference a public  
34 source of information where the documentation can  
35 be verified. In addition, the filing shall include  
36 the name, address, telephone number and electronic  
37 mail address of the person who is taking legal  
38 responsibility for the truthfulness of the information.

39 5. A communication filed with the board and its  
40 associated documentation shall be permanently posted by  
41 the board on a publicly accessible internet site in an  
42 easily identifiable format as soon as technically and  
43 reasonably possible.

44 6. The board may establish reasonable fees to  
45 cover the costs associated with implementation of this  
46 section, payable by the persons, candidate committees,  
47 political committees, or other entities filing  
48 communications with the board.

49 7. In addition to the penalty set out in section

50 68A.701, a person who violates this section shall be  
**H-1087** -1-

**H-1087**

Page 2

1 subject to a penalty not to exceed the total amount  
2 of the expenditures to produce and transmit the  
3 communication.>

4 2. Title page, line 1, after <to> by inserting:  
5 <require reporting requirements for certain campaign  
6 communications, and to>

7 3. By renumbering as necessary.

**By** ISENHART of Dubuque

**H-1087** FILED FEBRUARY 16, 2011

HOUSE FILE 222

H-1090

1 Amend House File 222 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 68A.405, subsection 1,  
4 paragraphs a and b, Code 2011, are amended to read as  
5 follows:

6 a. For purposes of this subsection:

7 (1) "Individual" includes a candidate for public  
8 office who has not filed a statement of organization  
9 under section 68A.201.

10 (2) "Organization" includes an organization  
11 established to advocate the passage or defeat of a  
12 ballot issue but that has not filed a statement of  
13 organization under section 68A.201.

14 (3) "Published material" means any newspaper,  
15 magazine, shopper, outdoor advertising facility,  
16 poster, direct mailing, brochure, internet website,  
17 campaign sign, or any other form of printed general  
18 public political advertising. "Published material"  
19 includes television, radio, video, or motion picture  
20 advertising.

21 b. (1) Except as set out in subsection 2,  
22 published material, or automated telephone calls  
23 designed to expressly advocate the nomination,  
24 election, or defeat of a candidate for public office or  
25 the passage or defeat of a ballot issue shall include  
26 on the published material an attribution statement  
27 disclosing who is responsible for the published  
28 material.

29 (2) Automated telephone calls made by a person or  
30 organization for the purpose of gathering information  
31 about or to influence an election for a public office  
32 shall include a disclaimer clearly identifying the name  
33 of the caller, the name of the person or organization  
34 funding the communication, and the name and telephone  
35 number of an authorized person responsible for the  
36 communication.

37 ~~-(2)~~ (3) The person who is responsible for the  
38 published material has the sole responsibility and  
39 liability for the attribution statement required by  
40 this section.>

41 2. Title page, line 1, after <to> by inserting:  
42 <require attribution statements for certain campaign  
43 communications, and to>

44 3. By renumbering as necessary.

By ISENHART of Dubuque

H-1090 FILED FEBRUARY 16, 2011

# Fiscal Note



---

**HF 260** – School District Home Rule (LSB 2103HV)

Analyst: Shawn Snyder (Phone: 515-281-7799) ([shawn.snyder@legis.state.ia.us](mailto:shawn.snyder@legis.state.ia.us))

Fiscal Note Version – New

---

## **Description**

**House File 260** grants school districts home rule power and authority. The Bill specifies that school districts cannot increase any tax without express authorization of the General Assembly.

## **Background**

Currently school districts in Iowa operate under Dillon's rule. In general, Dillon's rule limits power and authority of the school districts to those expressly given in Iowa Code.

Home rule applies to municipal corporations and counties in Iowa and has been granted to those local governments in the Iowa Constitution (home rule for municipal corporations was approved in 1968 and for counties in 1978). In general, home rule provides those local government entities the power or authority not expressly prohibited by Iowa Constitution or laws within the Iowa Code.

Although House File 260 will provide school districts home rule power and authority (if enacted), districts will still be limited in specified areas based on Iowa law and any federal laws.

## **Assumptions**

This Bill prohibits school districts from increasing any tax without express authorization of the General Assembly. School district tax levies have explicit uses directed in Iowa Code. Additionally, school district fund usage is specifically defined in Iowa Code and the LSA assumes that funds will be used for designated purposes. However, under home rule, school districts may be able to more broadly define program areas that require designated funds. Although the School Budget Review Committee (SBRC) sets a maximum limit for each school district's annual cash reserve levy, not all school districts levy for the maximum amount. Under more broadly defined program areas, there may be potential for school districts to levy a higher cash reserve levy to access spending authority designated for specific program areas and still be within the cash reserve levy limits specified by the SBRC.

Under home rule, school districts may charge fees that are not strictly prohibited by Iowa Code. This could include fees that would be considered miscellaneous income and deposited in a school district's General Fund.

The Department of Education has indicated that they will be charged with rewriting Iowa Code and administrative rules in response to enactment of House File 260. The Department estimates requiring an additional FTE to implement those changes in FY 2012 and a 0.5 FTE in FY 2013. The LSA is assuming a starting salary of \$56,378 and benefits totaling \$15,194.

## **Fiscal Impact**

The estimated fiscal impact of House File 260 for school districts cannot be determined. The LSA estimates that there will be no increased levy authority as a result of this Bill, but is uncertain how this may impact each school district's decision to levy cash reserve. However, there may be school district fee increases not specifically prohibited under Iowa Code, but that amount is unknown.

An additional FTE position for the Department of Education for duties related to rewriting Iowa Code and administrative rules is estimated to increase State General Fund expenditures by \$71,572 in FY 2012 and \$35,786 in FY 2013.

**Sources**

Article III, Sections 38A and 39A, State Constitution of Iowa  
Department of Education  
Department of Management  
Iowa Association of School Boards  
State Auditor's Office  
LSA analysis

/s/ Holly M. Lyons

---

February 16, 2011

---

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to Iowa Code **Section 2.56**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

---